

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TIMOTHY C. WOELLNER,	:	
RESPONDENT.	:	LS07022816APP

Division of Enforcement Case No. 05 APP 023

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Timothy C. Woellner
4939 Highwood Circle
Middleton, WI 53562

Wisconsin Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Appraisers Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **Timothy C. Woellner**, (DOB 06/07/47), was issued a real estate appraiser license on 09/30/03. On 11/23/05 Mr. Woellner received a certified residential appraiser license (# 9-1450).
2. Mr. Woellner’s most recent address on file with the Wisconsin Department of Regulation and Licensing is 4939 Highwood Circle, Middleton, WI 53562.
3. On or about March 27, 2004, Mr. Woellner prepared a written appraisal report on behalf of First Wisconsin Mortgage for property located at S7417 Skyview Dr., Loganville, WI 53943. After reviewing the appraisal, an anonymous source noticed discrepancies in Mr. Woellner’s appraisal and forwarded the appraisal to the Department of Regulation and Licensing.
4. The appraisal for the S7417 Skyview Dr. property was reviewed by the Department and it was determined that the appraisal did not meet the Uniform Standards of Professional Appraisal Practice (USPAP) as follows:

- The intended use and intended user were not identified.
- The scope of work statement was not included.
- Deficiencies were noted in the application of the sales comparison approach (inappropriate comp selection-newer construction, different architectural style, water access, water view, subdivision (2 sales) as opposed to secluded area).
- Deficiencies were noted in the application of the cost approach (basement costs, depreciation, effective age).
- A lack of comparable grid adjustments for subject outbuildings-barn, shed, cow pen.
- Deficiencies were noted in site adjustments for comparable sales (response indicates land value of \$7,000.00 per/acre).
- The comparable sales pictures appear be identical to the multiple listing data sheets, which indicates that the appraiser did not actually inspect the comparable sales. In fact, an incorrect photo on the MLS sheet for sale #3 was carried over into the appraisal.
- Special assessments were not reported.
- The site description does not include dimensions.
- The zoning is incorrect.
- The FEMA information is incorrect.
- The report does not accurately identify the subject zoning.
- The report does not accurately report subject age/year built.
- The appraiser failed to report or analyze last sale (5/01) for the subject property.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 458.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44 (5).
2. The conduct described above in paragraph 4 constitutes a violation of:
 - a. USPAP Standards Rule 1-1 (a) (b) (c) Developing an Appraisal:
 “be aware of and correctly employ those recognized methods”
 “not commit a substantial error of omission or commission”
 “not render appraisal services in a careless or negligent manner”
 - b. USPAP Standards Rule 1-2 (e) Developing an Appraisal:
 “identify the characteristics of the property”
 - c. USPAP Standards Rule 1-5(b) Developing an Appraisal:
 “analyze all sales of the subject that occurred within three (3) years”.

3. As a result of the above violations, respondent is deemed to have also violated Wis. Adm. Code § RL 86.01 (2), and Wis. Stat. § 458.26(3)(c), by failing to conform his appraisals to USPAP, and by engaging in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principals or skills.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent **Timothy C. Woellner**, license #9-1450, is hereby **Reprimanded**.
2. The license of **Timothy C. Woellner**, license #9-1450 is hereby **LIMITED** for a period of no less than **ONE (1) YEAR** commencing five (5) days after the date of this order.
 - a. Respondent shall not rely on any trainee, clerical staff and/or office assistant to provide research assistance.

b. Respondent shall maintain a work file for every appraisal that includes a hard copy of the assignment from the lender, adequately document the listing or sales history for the subject property and the comparable sales, and include a survey map or plat map with the subject property identified, and comparable sale photos.

3. No less than one year from the date of this Order, the Respondent may petition the Board to remove either or both of the limitations. With any such petition, Respondent shall supply a list of appraisal reports completed after the effective date of this Order, of which three will be selected at random by the Department. Respondent shall then provide copies of the three appraisal reports with properly documented work files for the Board's review. The Board may grant or deny the petition.

4. Respondent **Timothy C. Woellner** shall, within 60 days of the date of this Order, pay **COSTS** of this proceeding in the amount of \$800.00.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, Respondent's license # 9-1450 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Mark P. Kowbel
A Member of the Board

2/28/07
Date